

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION**

IN RE:

**DOLORES BROOMES
HOLLIS DALTON BROOMES**

**10-81327
CHAPTER 13**

OBJECTION TO CONFIRMATION

COMES NOW Wells Fargo Bank, NA, by and through undersigned Counsel, and hereby objects to the confirmation of the Debtors' plan. The objection is supported as follows:

1. The Debtors Dolores Broomes and Hollis Dalton Broomes, filed their Chapter 13 bankruptcy on July 28, 2010, in the Middle District of North Carolina, Durham Division.
2. The petition lists Wells Fargo Bank, NA as having a secured claim on the Debtors' real property located at 508 Maymount Dr, Durham, NC 27703.
3. The Plan does not list any pre-petition arrears due to Wells Fargo Bank, NA.
4. Wells Fargo Bank, NA has filed a Proof of Claim, dated August 16, 2010, listing a pre-petition arrearage claim of \$24,857.29.
5. Failure to account for the pre-petition arrearage due to Wells Fargo Bank, NA provides grounds to deny the confirmation of the Debtors' Plan.

WHEREFORE, Wells Fargo Bank, NA prays the Court grant the following relief:

1. Including the pre-petition arrears of \$24,857.29 due to Wells Fargo Bank, NA in the Debtors' Plan.
2. In the alternative, deny confirmation of the Debtors' Plan for failure to account for the arrears due to Wells Fargo Bank, NA;
3. In the alternative, dismiss the Debtors' Chapter 13 Petition;

This the 30th day of September, 2010

S/Kimberly A. Sheek
Kimberly A. Sheek
N.C. State Bar No.: 34199
Attorney for Creditor
Wells Fargo Bank, NA
SHAPIRO & INGLE, L.L.P.
10130 Perimeter Parkway, Suite 400
Charlotte, NC 28216
704/333-8107

10-002260

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NOTICE

TAKE NOTICE that an objection has been filed by Wells Fargo Bank, NA. A copy of the objection accompanies this notice.

TAKE FURTHER NOTICE that a hearing will be held on this objection. The Court will conduct a hearing and provide notice of the time, date and place of hearing.

Dated the 30th day of September, 2010.

S/Kimberly A. Sheek
Kimberly A. Sheek
N.C. State Bar No.: 34199
Attorney for
Wells Fargo Bank, NA
SHAPIRO & INGLE, L.L.P.
10130 Perimeter Parkway, Suite 400
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(704) 333-8107

Address of Court:
William L. Schwenn
U.S. Bankruptcy Clerk
P.O. Box 26100
Greensboro, NC 27420-6100

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing and annexed pleading or paper upon:

(Served via U.S. Mail)
Hollis Dalton Broomes and Dolores Broomes
508 Maymount Drive
Durham, NC 27703

(Served via Electronic Notification Only)
John T. Orcutt
6616-203 Six Forks Road
Raleigh, NC 27615

(Served via Electronic Notification Only)
Richard M. Hutson, II
302 East Pettigrew St., Suite B-140
Durham, NC 27702

by depositing the same in a postpaid wrapper properly addressed to each such party or his attorney of record in a post office or other official depository under the exclusive care and custody of the United States Postal Service or by electronic mail, if applicable. Any party that can be served by electronic mail will receive no other form of notice.

This the 30th day of September, 2010.

S/Kimberly A. Sheek
Kimberly A. Sheek
N.C. State Bar No.: 34199
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